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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,407	04/23/2001	Carol Lefebvre Du Grosriez	5473	2411

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BREINER & BREINER  
115 NORTH HENRY STREET  
P. O. BOX 19290  
ALEXANDRIA, VA 22314

EXAMINER
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CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/839,407

**Applicant(s)**

DU GROSRIEZ ET AL.

**Examiner**

Alicia Chevalier

**Art Unit**

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-25 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 26 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **RESPONSE TO AMENDMENT**

### ***Request for Continued Examination***

1. The Request for Continued Examination (RCE) under 37 CFR 1.53 (d) filed on December 17, 2003 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 21-30 are pending in the application, claims 1-20 were cancelled in paper.
3. Amendments to claims, filed on December 17, 2003, have been entered in the above-identified application.

### ***WITHDRAWN REJECTIONS***

4. The 35 U.S.C. §103 rejection of claims 21-30 as over Shulz (US Patent No. 4,320,162) in view of Curry et al. (US Patent No. 3,954,554), Clark et al. (US Patent No. 5,698,291) or Merker (US Patent No. 6,214,146), made of record in paper #8, mailed June 18, 2003, pages 2-3, paragraph #2 has been withdrawn due to Applicant's amendment in the response filed December 17, 2003

### ***NEW REJECTIONS***

5. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

***Examiner's Summary of the Invention***

6. To the best of the examiner's knowledge, the base, or independent, claim of the application, is interpreted as follows:

21. An absorbent paper product "comprising"

- at least two superposed plies
  - o a format:
    - edges
    - peripheral zone along said edges
    - central zone enclosed by said peripheral zone
      - at least one of said at least two superposed plies has an embossing pattern in said central zone
    - the at least two plies have thickness along said peripheral zone which is less than the thickness of said at least two plies in the central zone
  - o plies are joined together by marking patterns
    - without glue at least along a segment of said peripheral zone
    - composed of compacted zones on one side of said plies without corresponding salient on an opposite side of said plies.

***Claim Rejections - 35 USC § 103***

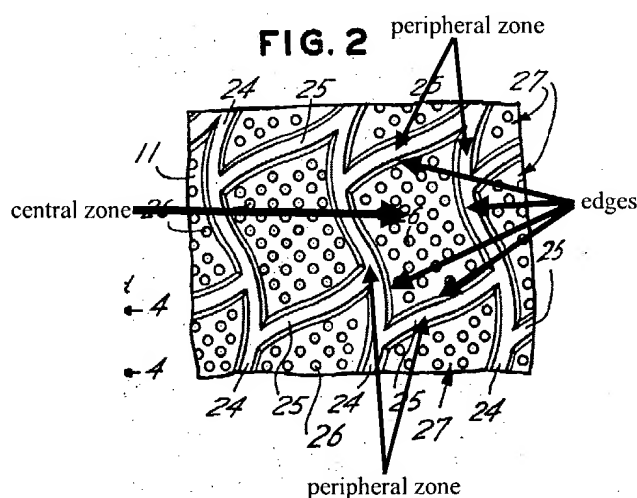
7. Claims 21-25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walbrun (U.S. Patent No. 4,307,141) in view of Merker (U.S. Patent No. 6,214,146).

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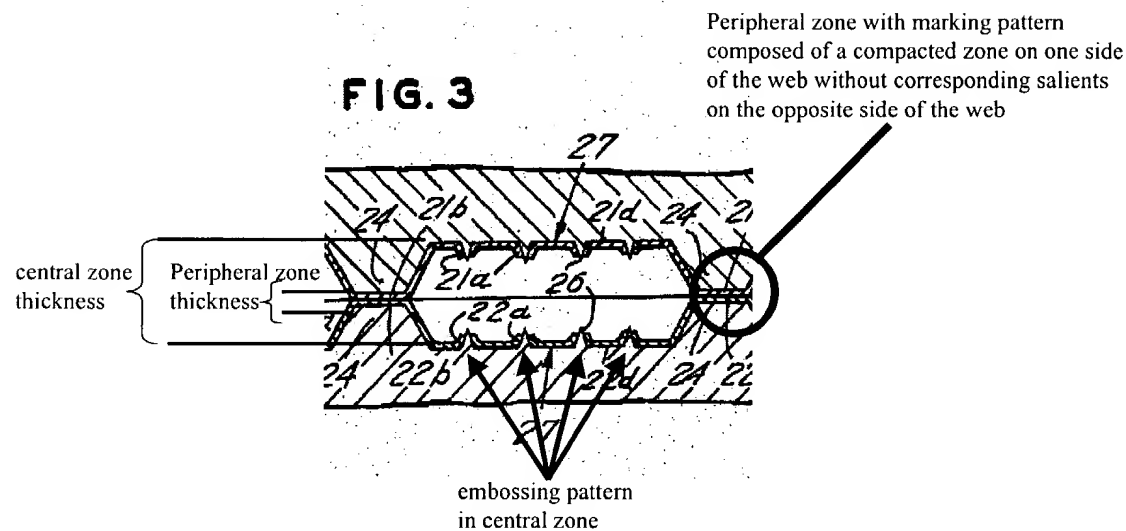
Walbrun discloses a multi-ply fibrous sheet structure (*title*), Applicant's claimed "absorbent paper product," particularly of the soft absorbent type for paper towels (*col. 1, lines 9-11*).

Regarding Applicant's claims 21 and 22, Walbrun discloses that the fibrous sheet comprises a pair of webs of paper (*col. 2, line 25*), Applicant's claimed "at least two plies." Figure 2 and 3 show that the webs are superposed and have a format with edges, a peripheral zone along the edges, and a central zone enclosed by said peripheral zone. The webs are joined together at the land regions (*col. 2, lines 47-50 and figure 3*), Applicant's claimed "marking patterns." Figure 3 shows that the land regions are composed of compacted zones on one side of the webs without corresponding salients on an opposite side of the webs. Figures 2 and 3 show that both the webs have an embossing pattern in the central zone (*col. 2, lines 42-52*). Figure 3 also shows that the two webs have a thickness along the peripheral zone, which is less than the thickness of the two webs in the central zone.

The following figures from Walbrun accompany the discussion below.



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Walbrun fails to disclose that the plies are joined together without glue.

Merker discloses a creped wiping product (*title*) such as paper towels (*col. 1, line 16*).

The wiping product is made without the use of latex bonding materials or adhesives (*col. 2, lines 36-38*), Applicant's claimed "without glue." The wiping product includes a web of material that contains binder fibers. The binder fibers are capable of thermally bonding together when heated above a softening temperature and pressed together (*col. 2, lines 56-61*).

The wiping product without adhesives has improves softness, bulk, absorbency and strength (*col. 2, lines 22-25*).

Walbrun and Merker are analogous because they both discuss paper towel products.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use Merker's binder fibers in Walbrun's webs in order to avoid using adhesive to join the webs together.

One of ordinary skill in the art would have been motivated to binder fibers instead of adhesive/glue because a product without adhesives has improves softness, bulk, absorbency and strength (*col. 2, lines 22-25*).

Regarding Applicant's claim 23, figure 3 in Walbrun shows that the embossing patterns in the central zone are the same.

Regarding Applicant's claim 24, figure 3 in Walbrun shows that the embossing pattern, including the narrowest parts, point inwardly between the two webs.

Regarding Applicant's claim 25, figure 2 in Walbrun shows that the marking patterns are solely in the peripheral zone.

Regarding Applicant's claim 28, figures 2 and 3 in Walbrun show that the embossments make a filigree, ornamental work, marking pattern.

Regarding Applicant's claim 29, the limitation "wherein the at least two plies are joined to each other by embossing the central zone of each ply" is a method limitation and does not determine the patentability of the product, unless the process produces unexpected results. The method of forming the product is not germane to the issue of patentability of the product itself, unless Applicant presents evidence from which the Examiner could reasonably conclude that the claimed product differs in kind from those of the prior art. MPEP 2113. Furthermore, it is noted that the central zone of the webs are embossed, see figure 3.

Regarding Applicant's claim 30, figure 2 in Walbrun shows that the central zone of the webs has a decoration including embossed and unembossed portions.

***Allowable Subject Matter***

8. Claims 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***REASONS FOR ALLOWANCE***

9. The following is an examiner's statement of reasons for allowance:

The broadest allowable claim is: claim 26.

It can be summarized as follows:

26. An absorbent paper product "comprising"

- at least two superposed plies
  - a format:
    - edges
    - peripheral zone along said edges
    - central zone enclosed by said peripheral zone
      - at least one of said at least two superposed plies has an embossing pattern in said central zone
    - the at least two plies have thickness along said peripheral zone which is less than the thickness of said at least two plies in the central zone
  - plies are joined together by marking patterns
    - without glue at least along a segment of said peripheral zone



- composed of compacted zones on one side of said plies without corresponding salient on an opposite side of said plies
- wherein in said peripheral zone, at least one of the at least two plies has marking patterns at least partly the same as the embossing patterns.

10. The closest prior art found, i.e. Walburn and Merker, is summarized above. The prior art fails to teach or suggest paper products wherein in said peripheral zone, at least one of the at least two plies has marking patterns at least partly the same as the embossing patterns.

In sum, the prior art of record fails to teach or suggest an absorbent paper product having all the features of claim 26.

#### ***ANSWERS TO APPLICANT'S ARGUMENTS***

11. Applicant's arguments in the response filed December 17, 2003 regarding the 35 U.S.C. §103 rejection of claims 21-30 as over Shulz in view of Curry, Clark or Merker of record have been considered but are moot since the rejections have been withdrawn.

#### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

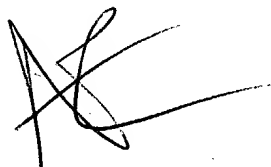
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

3/4/04

A handwritten signature in black ink, appearing to be 'AC', with a large, stylized flourish extending from the bottom right.A handwritten signature in black ink, appearing to be 'Sandra M. Nolan', written in a cursive style.

**SANDRA M. NOLAN**  
**PRIMARY EXAMINER**